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Attorney for Defendant  
EVERETT GOODEN

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

UNITED STATES OF AMERICA, ) 2:18-CR-00318-JCM-DJA

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**Plaintiff,**

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## **STIPULATION AND ORDER TO CONTINUE SENTENCING**

## EVERETT GOODEN.

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**Defendant.**

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## (Second Request)

IT IS HEREBY STIPULATED by and between EVERETT GOODEN, Defendant, by  
and through his counsel OSVALDO E. FUMO, ESQ, and the United States of America, KEVIN  
SCHIFF, Assistant United States Attorney, that Sentencing in the above-captioned matter  
currently scheduled for February 3, 2020, at the hour of 10:00 a.m., be vacated and continued to  
60 days or to a date and time to be set by this Honorable Court.

This Stipulation is entered into for the following reasons:

1. Counsel for defendant has spoken to his client and he has no objection to this continuance.
  2. Defendant Gooden is currently in custody in Pahrump and does not object to the continuance

- 1       3. Counsel has spoken to AUSA Kevin Schiff and he has no objection to the
- 2           continuance.
- 3       4. Counsel will need additional time to adequately prepare for sentencing and confer
- 4           with his client regarding the issues and concerns he has on the presentence
- 5           investigation report.
- 6       5. Denial for this request for continuance would deny the parties herein time and the
- 7           opportunity within which to effectively and thoroughly research and prepare for trial
- 8           in this case, taking into account the exercise of due diligence.
- 9       6. Additionally, denial of this request for continuance would result in a miscarriage of
- 10           justice.
- 11       7. For all the above-stated reasons, the ends of justice would best be served by a
- 12           continuance of the sentencing date.
- 13       8. The additional time requested by this stipulation, is excludable in computing the time
- 14           within which the trial herein must commence pursuant to the Speedy Trial Act, 18
- 15           U.S.C. 3161(h)(8) (A), considering the factors under 18 U.S.C. 3161 (h)(8)(B)( i)
- 16           and 3161 (h)(8)(B)(iv).

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1       9. This is the second request for a continuance of the sentencing date in this case.  
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4       DATED this 23rd day of December 2019.  
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7       PITARO & FUMO, CHTD.  
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10      UNITED STATES ATTORNEY  
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14      /s/  
15      OSVALDO E. FUMO, ESQ.  
16      601 LAS VEGAS BOULEVARD, SOUTH  
17      LAS VEGAS, NEVADA 89101  
18      ATTORNEY FOR DEFENDANT  
19      EVERETT GOODEN  
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21      /s/  
22      KEVIN SCHIFF, ESQ.  
23      ASSISTANT UNITED STATES ATTORNEY  
24      501 LAS VEGAS BOULEVARD SOUTH. #1100  
25      LAS VEGAS, NEVADA 89101  
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## **FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds:

1. Counsel for defendant has spoken to his client and he has no objection to this continuance.
  2. Defendant Gooden is currently in custody in Pahrump and does not object to the continuance.
  3. Counsel has spoken to AUSA Kevin Schiff and he has no objection to the continuance.
  4. Counsel will need additional time to adequately prepare for sentencing and confer with his client regarding the issues and concerns he has on the presentence investigation report.
  5. Denial for this request for continuance would deny the parties herein time and the opportunity within which to effectively and thoroughly research and prepare for trial in this case, taking into account the exercise of due diligence.
  6. Additionally, denial of this request for continuance would result in a miscarriage of justice.

7. For all the above-stated reasons, the ends of justice would best be served by a continuance of the sentencing date.
8. The additional time requested by this stipulation, is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. 3161(h)(8) (A), considering the factors under 18 U.S.C. 3161 (h)(8)(B)( i) and 3161 (h)(8)(B)(iv).

This is the first request for a continuance of the sentencing date in this case.

## **CONCLUSIONS OF LAW**

The end of justice served by granting said continuance outweigh the best interest of the public and defendants in a speedy trial since the failure to grant said continuance would likely result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for sentencing taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18 U.S.C. 3161(h)(8) (A), considering the factors under title 18 U.S.C. 3161 (h)(8)(B)( i) and 3161 (h)(8)(B)(iv).

## ORDER

**IT IS ORDERED** that Sentencing currently scheduled for February 3, 2020 at the hour of 10:00 a.m., be vacated and continued to this 2nd day of April, 2020 at the hour of 10:00 a.m. in Courtroom 6A .

DATED January 31, 2020.

James C. M.